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Calendar No. 592

101ST CONGRESS
2d Session

SENATE

REPORT
101-320

PECOS NATIONAL HISTORICAL PARK ACT

JUNE 8 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2254]

The Committee on Energy and Natural Resources to which was referred the bill (S. 2254) to establish the Pecos National Historical Park in the State of New Mexico, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, lines 18, 19, and 20 strike " 'Boundary Map—Pecos National Historical Park', numbered 430/80027 and dated February 1990" and insert in lieu thereof " 'Pecos National Historical Park Boundary Concept', numbered 430/80028 and dated March, 1990, hereinafter referred to as the Map".

2. On Page 4, strike lines 11 through 13 in their entirety and insert in lieu thereof:

> The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange: *Provided*, That the Secretary may not acquire lands within the area known as the "Forked Lightning Ranch", as depicted on the Map, from the owner of record of such lands as of May 1, 1990 without the consent of the owner unless the Secretary determines that the lands are being used, or that there is an imminent threat that the lands will be used, for any purpose that is incompatible with the purposes of this Act.

39-010

S313-26

Purpose of the Measure

The purpose of S. 2254, as ordered reported, is to expand the existing Pecos National Monument in northern New Mexico by adding an additional 5,500 acres and redesignating it as a national historical park.

Background and Need

The upper Pecos Basin forms a broad pass through the Sangre de Cristo Mountains in the northernmost portion of New Mexico. Similar in many respects to the Cumberland Pass in the Appalachian Mountains, the Pecos Basin molded the prehistory and history of the people of the Southwest. This natural "gateway" allowed communication and trade between the Great Plains on the east and the fertile valleys of the Rio Grande on the west.

Pecos was a highly diverse area, with successive population waves funneling through the valley. The Paleo-Indians, Archaic peoples, Pithouse dwellers, Puebloans, and Apaches are among the groups who have left their marks in the form of numerous archaeological and cultural sites.

When the Spanish arrived in the area, they continued the long-established trade routes. An even wider use of the Pecos Basin for trade began in the 1730's when French traders brought new goods to Spanish colonists. Eventually, a trading stampede developed between St. Louis and Santa Fe, along the route that became known as the Santa Fe Trail.

This gateway to Santa Fe was also used for military excursions during the Mexican War, as well as during the American Civil War. With the advent of railroads, the gateway provided a natural passage through the basin. Through time, almost all of the trails, roads, railroads, and highways followed the ancient trade and travel routes from the Plains to the Rio Grande Valley. Over the years, the scence at this historic gateway has remained virtually unchanged.

In 1965, the Pecos National Monument was established to protect some of the area's most important cultural and historical resources. Of particular interest is the "Cicuye", a dramatic, fortress-like Pueblo village dating from about 1450 A.D. The late Mr. E.E. Fogelson and Greer Garson Fogelson donated the majority of the 365 acres of land for the Monument from land that was a part of their Forked Lightning Ranch. The ranch currently surrounds the Monument and has been managed so as to protect its resource values.

However, the Fogelson ranch is currently for sale, and potential buyers have indicated that they would propose major development on the ranch which adjoins the Pecos National Monument. Not only would development threaten important cultural resources on the ranch, but it would also pose a significant threat to the Monument itself. The Park Service is particularly concerned about potential development on the 5,500 acres which directly surrounds the Pecos National Monument.

S. 2254 would establish the Pecos National Historical Park, consisting of the existing Pecos National Monument and an additional 5,500 acres which border the Monument. The establishment of the

Pecos National Historic Park would give the Park Service the capability to acquire 5,500 of the Forked Lightning Ranch and expand protection, interpretation and recreation programs currently associated with the Pecos National Monument.

Legislative History

S. 2254 was introduced by Senators Bingaman and Domenici on March 8, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on May 1, 1990.

At the business meeting on May 1, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2254, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2254 if amended, as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Heflin [1]	
Mr. Rockefeller	
Mr. Akaka	
Mr. McClure [1]	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell [1]	

[1] Indicates voted by proxy.

Committee Amendments

During consideration of S. 2254, the Committee adopted one technical and one substantive amendment to the measure. The technical amendment corrected a map reference. The substantive amendment addressed acquisition authority. The original text contained traditional acquisition authority which allows the use of condemnation of private lands if the Secretary of the Interior determines it is necessary. The amendment limits the acquisition authority of the Secretary to permit the acquisition of lands within the Forked Lightning Ranch only with the consent of the owner, unless the

Secretary determines that the lands are being used, or there is an imminent threat that the lands will be used, for purposes which are incompatible with this Act.

Section-by-Section Analysis

Section 1 entitles the Act the "Pecos National Historical Park Act."

Section 2 sets forth the Congressional findings.

Section 3 expands the existing Pecos National Monument and redesignates it as a national historical park.

Subsection (a) of Section 3 establishes the Pecos National Historical Park.

Subsection (b) provides that the park will consist of approximately 5,865 acres as depicted on a boundary map.

Subsection (c) repeals the Act which authorized the establishment of the Pecos National Monument.

Section 4 directs that the Secretary of the Interior may acquire lands, waters, and interests therein within the park through the traditional means of donation, with donated or appropriated funds, or exchange. However, the Secretary may not acquire lands within the Forked Lightning Ranch from the current owner without the owner's consent unless the Secretary determines that the lands within the ranch are being used, or there is an imminent threat that the lands will be used, for a purpose which is incompatible with the purposes of this Act.

Section 5 provides that the Secretary shall administer the park in accordance with this Act and the applicable laws relating to units of the National Park System.

Section 6 directs the Secretary to prepare a general management plan for the park within three years after funding is made available. The plan will include a general visitor use and interpretive program, a statement on the number of visitors which can be accommodated consistent with the protection of the park's resources, and a development plan for the park, including the costs of such development.

Section 7 authorizes the appropriation of such sums as may be necessary to carry out this Act.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 29, 1990.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2254, the Pecos National Historical Park Act, as ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 1990. Implementation of this bill would cost the

federal government about $5 million in fiscal year 1991, assuming appropriation of the necessary sums.

S. 2254 would establish the Pecos National Historical Park, to be composed of the existing 365-acre Pecos National Monument and the 5,500-acre Forked Lightning Ranch. The Secretary of the Interior would be authorized to acquire the privately owned ranch by purchase, exchange or donation. Section 7 would authorize the appropriation of whatever sums are necessary to carry out the bill's provisions.

CBO estimates that the National Park Service would spend about $5 million to acquire the Forked Lightning Ranch during fiscal year 1991. In addition, $200,000 would be spent to complete a management plan for the area over the following two years. Annual costs, including payments in lieu of taxes, are not expected to be significant.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2254. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2254, as reported.

EXECUTIVE COMMUNICATIONS

On April 5, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2254. These reports had not been received at the time the report on S. 2254 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Park Service at the Subcommittee hearing follows:

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with information on the bill to establish the Pecos National Monument Park in New Mexico.

The Department of the Interior supports enactment of S. 2254, and the expansion of the existing Pecos National Monument into Pecos National Historical Park. Through

such action, the National Park Service would have the capability to acquire 5,500 acres of the adjacent Forked Lightning Ranch and expand protection, interpretation, and recreation programs associated with Pecos National Monument.

The National Park Service has long been concerned with protection of Pecos National Monument. The current monument includes approximately 365 acres surrounded by the Forked Lightning Ranch. This ranch, owned by the late Mr. E.E. Fogelson and Greer Garson Fogelson, has been managed so as to protect the resource values of the national monument. The ranch is currently for sale and potential buyers have indicated that they would propose major development on the ranch and adjacent to the national monument.

Although the ranch is composed of areas within the Old Pecos Land Grant and the Los Trigos Land Grant, the National Park Service is primarily concerned with the 5,500 acres currently owned by Ms. Greer Garson Fogelson that directly surrounds the national monument.

We are concerned about the Service's capability to provide adequate protection of the small monument and protect the outstanding scenic, cultural and natural resource values on the adjacent ranch. The monument is sited on a high hill and views from the monument include almost all of the Forked Lightning Ranch.

The Service undertook studies of the ranch in 1983 and 1984 to determine the importance of the cultural and natural resources on the Forked Lightning Ranch when the Fogelson's indicated that they might be interested in donating some of the land to the Federal Government.

The lands surrounding Pecos National Monument include many cultural resources of importance. The monument was established to commemorate the Great Pueblo of Cicuye (or Pecos) and the Spanish Missions built nearby. There are many archeological resources on the adjacent lands and the sites represent the remains of people living in the valley both contemporaneously with the Pueblo and Mission, and preceding it by many centuries and millennia.

The archeology of the Pecos area includes extensive Aboriginal and Spanish remains. There are many known and projected sites on the lands surrounding Pecos National Monument. The primary contribution of the archeological resources in the Pecos vicinity is their collective capability to reveal land use patterns and alternations through time. Pecos was a highly eclectic area, with successive population waves funneling through the valley. The Paleo-Indians, Archaic People, Pithouse Dwellers, Puebloans, Apaches, and Spaniards are among the groups who have left their marks in the form of remaining archeological sites.

The upper Pecos Basin forms a broad pass through the Sangre De Cristo Mountains. Similar to the impacts of the

Cumberland and South passes on American History, the Pecos Basin molded the prehistory and history of the people of the southwest. This natural "gateway" allowed communication and trade between the Great Plains on the east and fertile valleys of the Rio Grande on the west.

The story of early land tenure and land grants is important at Pecos. As the population of Pecos declined, pressures on the Pecos Land Grant intensified by Spanish citizens desiring to use the land. While the Pecos Pueblo populace effectively opposed settlement for several decades, in the 18th century, the land battles intensified. In 1794, the first grant of land to Hispancis on the Pecos River was established at Miguel Del Vado, 20 miles downstream from Pecos Pueblo. In 1813 Hispanics began to push for land within the Pecos Land Grant. Pressures intensified quickly. In 1838, the Pecos Indians finally abandoned the pueblo, and resettled mostly at Jemez Pueblo. The conflict of land ownership rights between Indians, Hispanic, and Anglo Cultures was a major problem throughout the American southwest and this story can be told at Pecos effectively.

The Pecos Valley Gateway served well for commerce and war during the prehistoric and historic periods. French used the pass for trade during the early 1700's. Spanish policy emphasized the need for retention of Pecos Pueblo for the defense of Santa Fe. The arrival in the Pecos Basin of the packtrain of William Becknell in 1821 sparked a trading stampede between Missouri and Santa Fe along the route that became known as the Santa Fe Trail. The Forked Lightning Ranch includes excellent examples of Santa Fe Trail wagon ruts and associated features.

In 1862 the ranch played a major role in the American Civil War in the far west. The Santa Fe Trail became a military road. Confederate and Union forces met in nearby Glorieta pass in a battle that dashed the Confederate's strategy for acquiring the riches of Colorado and the west. Kozlowski's ranch, a stage stop and store on the Santa Fe Trail, served as the headquarters for the Union Army. Historians think that portions of Kozlowski's trading post were later incorporated into the buildings that are currently used as the operational headquarters for the Forked Lightning Ranch.

Later, between 1870 and 1880, the Atchison, Topeka and Santa Fe Railroad followed the trail through the basin, and use of the Santa Fe Trail rapidly diminished. Later major roads and interstate highways were developed all following the ancient trade routes from the plains through the Pecos Valley to the Rio Grande Valley.

The ranch includes important natural resources with good ecological diversity and riparian habitat along a large natural flowing river. Very little year-round riparian habitat is preserved by the National Park Service in New Mexico. These lands provide excellent recreational poten-

tial for a region experiencing rapid increases in tourism and demand for access to land much of which is inaccessible to the general public.

Protection of scenic values is a major consideration. Most of the area within the Forked Lightning Ranch is viewable from the Pecos Pueblo. Land use changes and developments would result in significant impacts on the visitor experience at Pecos. Development of the land also would result in direct impacts to the many archeological and historic resources on the ranch.

The existing small national monument is easily impacted by adjacent influences and changes. While the Federal Government has the authority to accept donations of adjacent lands, we do not have the legislative authority to purchase lands.

If the Pecos National Historical Park were constituted as authorized by S. 2254, the estimated cost to the National Park Service of acquiring the 5,500 acres and associated improvements would be approximately $5.5 million. Funds for this purpose would compete with other land acquisition priorities in the normal budget process, utilizing the Administration's land acquisition criteria.

This concludes my prepared remarks, Mr. Chairman. I will be pleased to respond to any questions you may have.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2254, as reported.

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